

Please type a plus sign (+) inside this box □

+

PTO/SB/21 (6-99)

Approved for use through 09/30/2000, OMB 0651-0031  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

9/17/04 S/he 1647 #

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		<b>Application Number</b> 10/015,392
SEP 15 2004		<b>Filing Date</b> December 12, 2001
		<b>First Named Inventor</b> Baker, et al.
		<b>Group/Art Unit</b> 1647
		<b>Examiner Name</b> Landsman, Robert S.
Total Number of Pages in This Submission		<b>Attorney Docket Number</b> 39780-2830P1C58

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Version with Markings Showing Changes <input checked="" type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request (3 month EOT) <input checked="" type="checkbox"/> Information Disclosure Statement w/cited references <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers <i>(for an Application)</i> <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group ( <i>Appeal Notice, Brief, Reply Brief</i> ) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) ( <i>please identify below:</i> ) <div style="border: 1px solid black; padding: 5px;"><b>stamped return postcard; Declarations of Sherman Fong, Paul Polakis and Avi Ashkenazi with CV's and cited references.</b></div>
Remarks		

**AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER Atty. Docket No. 39780-2830P1C58).**

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm or Individual name	DAPHNE REDDY, Reg. No. 53,507, HELLER EHRLMAN WHITE & McAULIFFE LLP		
Signature			
Date	September 15, 2004	Customer Number:	35489

**CERTIFICATE OF EXPRESS MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: Mail Stop **Amendment**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label **EL 993 689 298 US**

Typed or printed name	Cheryl Rogers		
Signature		Date	September 15, 2004

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

# FEE TRANSMITTAL

**SEP 15 2004**

*Effective 01/01/2004. Patent fees are subject to annual revision.*

claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 1,130.00)

**Complete if Known**

Application Number	10/015,392
Filing Date	December 12, 2001
First Named Inventor	Baker, et al.
Examiner Name	Landsman, Robert S.
Art Unit	1647
Attorney Docket No.	39780-2830P1C58

**METHOD OF PAYMENT** (check one)

Check  Credit card  Money Order  Other  None

Deposit Account:

Deposit Account Number **08-1641 (Docket No. 39780-2830P1C58)**

Deposit Account Name **Heller Ehrman White & McAuliffe LLP**

**The Commissioner is authorized to:** (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) during the pendency of this application  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

**FEE CALCULATION (continued)**

**3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	\$950.00
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	\$180.00
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) _____					

**1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

**SUBTOTAL (1)** **(\$)**

**2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	<b>[ ] x [ ]</b>	= <b>[ ]</b>

Multiple Dependent **[ ] = [ ]**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2)** **(\$)**

\*\*or number previously paid, if greater; For Reissues, see above

\* Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** **(\$ 1,130.00)**

**SUBMITTED BY**

Complete (if applicable)

Name (Print/Type)	DAPHNE REDDY	Registration No. (Attorney/Agent)	53,507	Telephone	650-324-7000
Signature	<i>Daphne Reddy</i>	Date	September 15, 2004	Customer No.	35489

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop \_\_\_\_\_, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Baker et al. Docket No.: 39780-2830P1C58  
Serial No.: 10/015,392 Group Art Unit: 1647  
Filing Date: December 12, 2001 Examiner: Landsman, Robert S.  
For: **NUCLEIC ACIDS ENCODING PRO1410 POLYPEPTIDES**

**EXPRESS MAIL LABEL NO. EL 993 689 298 US**

Date Mailed: September 15, 2004

**AMENDMENT AND RESPONSE TO OFFICE ACTION**

**MS: AMENDMENT**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Office Action mailed on March 15, 2004 in connection with the above-identified patent application, please enter the following amendments, and consider the following arguments. This response is timely filed with a Petition for Extension of time for three months with necessary fees. Attached herewith are three Declarations by:

- A) Sherman Fong, Ph.D. with five exhibits: (1) Current Protocols in Immunology, Vol. I, Unit 3.12 by Richard Coico, (2) an article by Ralph Steinman, (3) an article by Gubler et al., (4) an article by Peterson et al., and (5) an article by Turner et al.;
- B) Paul Polakis, Ph.D.; and,
- C) Avi Ashkenazi, Ph.D.

Also attached are articles by (i) Orntoft *et al.*, (ii) Hyman *et al.*, (iii) Pollack *et al.*, and (iv) Hanna and Mornin, and an Information Disclosure Statement with necessary fees.

**Amendments to the Specification** begin on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of claims that begins on page 4 of this paper.

**Remarks/Arguments** begin on page 12 of this paper.

09/20/2004 NROCHA1 0000004 081641 10015392

01 FC:1253 950.00 DA